

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JUAN HERNANDEZ,

Plaintiff,

v.

Civ. No. 16-336 MCA/GJF

EDWARD BERUMEN, et al.,

Defendants.

ORDER TO CURE DEFICIENCIES

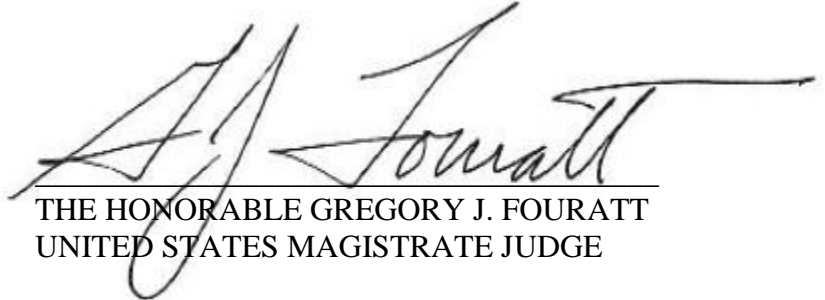
This matter is before the Court on Plaintiff's Notice of Appeal [ECF No. 22], which was docketed as a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff requests leave to proceed on appeal without prepayment of the costs or fees because of his poverty and his inability to give security. [ECF No. 22] A prisoner seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 must submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor," 28 U.S.C. § 1915(a)(1), and a "certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the . . . notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined," 28 U.S.C. § 1915(a)(2); *see also* Fed. R. App. P. 24(a)(1). Plaintiff's motion does not include the requisite affidavit nor does it include a copy of his 6-month inmate account statement. Plaintiff will be required to cure these deficiencies within thirty (30) days of the date of this order. Failure timely to cure the designated deficiencies may result in the denial of Plaintiff's motion without further notice.

IT IS THEREFORE ORDERED that Plaintiff cure the deficiencies designated above

within **thirty (30) days** of the date of this order;

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send to Plaintiff, together with a copy of this order, a copy of the United States Court of Appeals for the Tenth Circuit's form Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE